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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 3271/2015**

**FOX STAR STUDIOS INDIA PVT LTD & ANR ..... Plaintiffs**

Through: **Mr. Saikrishna Rajagopal, Mr.  
Sidharth Chopra, Ms. Sneha Jain, Ms.  
Savni Dutt & Mr. Dhavish Chitkara,  
Advocates**

versus

**SPEED PLAY & ORS**

..... Defendants

Through

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

% **30.10.2015**

**IA No.22918-19/2015**

Allowed, subject to all just exceptions.

The applications stand disposed off.

**IA No.22921/2015**

Since the requisite Court fee has been filed, the application has become infructuous.

**CS(OS) No.3271/2015**

Issue summons through Ordinary Process, Speed Post and Courier, returnable before the Joint Registrar on 18.01.2016 for completion of pleadings.

**IA No.22917/2015 (Stay) & 22920/2015**

Issue notice through ordinary Process, Speed Post and Courier, returnable before the Court on 24.3.2016.

The plaintiffs claim to be the owners of the copyright in a Hindustani feature film titled "PREM RATAN DHAN PAYO" which is scheduled to be released on 12<sup>th</sup> November, 2015. The plaintiffs apprehend that defendant Nos.1 to 57 which are websites or portals, and engage in making available pirated copies of films and other audio-visual contents and unlawfully profit from breach of copyright in works of art to the detriment of the owners of the intellectual property, will engage in similar illegal and dishonest activity upon release of the aforesaid feature film. The said websites dent the profits of the rightful copyright owners and otherwise make unlawful gains either through subscription fee for the unlawful viewing of the films or through advertisements hosted on their websites depending on the frequency and number of visits to the site.

Mr. Saikrishna Rajagopal, the learned counsel for the plaintiffs would submit that if the pirated digital or other copies of the said feature film are uploaded on the said websites and are made available in the public domain, it will severely breach the plaintiffs' copyrights in the film and irreparably impair the profitability of the film venture. Hence such a nefarious eventuality ought to be prevented. He further submits that pirated copies are ordinarily accessed within the first week of release of a film and, therefore, an injunction would be necessary prior to the release - scheduled for 12<sup>th</sup> November, 2015. He also submits that the defendant Nos.1 to 57 do not have an address in India but that their websites are available to internet users in India through the Internet Services Providers (ISPs) by defendant Nos.58 to 73, who are bound by the terms of their agreement with Department of

Telecommunication (DoT), i.e., defendant No.74, to disallow access to platforms which host pirated copies of art work and to thereby prevent infringement of copyright and intellectual property. He submits that even on earlier instances, this Court had injuncted certain websites/portals from making available pirated content in the suits filed by Plaintiff No.1 for the Hindustani feature films 'Bang Bang' and 'Bombay Velvet'. Similarly, in a suit filed by Multi Screen Media Pvt. Ltd. against similar websites who were hosting pirated content related to the 2014 FIFA World Cup, and in suits filed by Star India Pvt. Ltd. in respect of various sporting events such as the ICC Cricket World Cup 2015, the India-England Series 2014, India-Sri Lanka Series 2014, the India-Australia. Cricket Series 2014-15, and the ICC Cricket World Cup 2015, this Court had directed the DoT & the Department of Electronics and Information Technology (DeitY) to issue necessary directions to the internet service providers registered under them to block access to the rogue websites identified by the plaintiffs in those cases. The Court is informed that the DeitY had sought vacation/modification of the blocking orders issued by this Hon'ble Court on 02.12.2014 & 23.12.2014 in respect of the India-Australia Series 2014-15 but to no avail.

This Court is of the view that the plaintiffs have a right to seek protection of their copyright in the feature film by way of an injunction against defendant Nos.1 to 57 with a direction to defendant Nos.58 to 75 to ensure that no content of the aforesaid feature film is either uploaded or made available at any platform/web portal/website to internet users in India. The plaintiffs have made out a *prima facie* case for an *ex parte ad interim* injunction which, if not granted at this stage, would irreparably prejudice their rights and interests in the feature film titled "PREM RATAN DHAN

PAYO". The balance of convenience too lies in favour of the plaintiffs. In the circumstances:-

- i) defendant Nos.1 to 57 and 76 to 100, their directors, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, and any other website identified by the Plaintiffs as infringing their exclusive rights, are restrained from, in any manner, hosting, streaming, making available for viewing and download, providing access to and / or communicating to the public, on their websites, through the internet and mobile platforms, the film "PREM RATAN DHAN PAYO" and/or content related thereto, so as to infringe the Plaintiffs' exclusive rights.
- ii) Defendant Nos. 58 to 73, their directors, partners, proprietors, officers, affiliates, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, shall block access to the various websites identified by the Plaintiffs in the instant suit at Sl. No. 1 of the Plaintiffs' Documents and such other websites that may subsequently be notified by the Plaintiffs to be infringing of its exclusive rights and defendant Nos. 74 and 75 shall issue a notification calling upon the various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiffs in the instant suit at S. No. 1 of the Documents or such other websites that may

subsequently be notified by the Plaintiffs to be infringing of its exclusive rights and the defendants are further restrained from posting any material pertaining to the film "PREM RATAN DHAN PAYO" on the websites/portals etc. Defendant Nos.58 to 74 shall ensure that no access is available to the 105 websites mentioned in pages 3-4 of the list of documents reproduced as under:

Sl.No.	Name of websites
1.	Speedplay.us
2.	Buttrflicks.com
3.	Cloudtime.to
4.	Cloudy.ec
5.	Clubmp4.com
6.	Dhakawap.com
7.	Einthusan.tv
8.	Flashx.tv
9.	Letwatch.us
10.	Mast.tv
11.	Movshare.net
12.	Novamov.com
13.	Nowvideo.ch
14.	Nowvideo.eu
15.	Nowvideo.sx
16.	02cinemas.com
17.	Sharerepo.com
18.	Thevideo.me
19.	Thevideos.tv
20.	Vidbull.com
21.	Videoweed.es
22.	Vodlocker.com
23.	Watchvideo.us
24.	Youlol.pw
25.	Youwatch.org
26.	lfichier.com

27.	4upfiles.com
28.	Clicknupload.com
29.	Club3gp.com
30.	Filenuke.com
31.	Filmyok.com
32.	Free.fr
33.	Hexupload.com
34.	Moviespal.us
35.	Nowdownload.ag
36.	Nowdownload.to
37.	Promptfile.com
38.	Sharesix.com
39.	Songwapi.com
40.	Uploadbaz.com
41.	1337x.to
42.	1337x.unbanthe.org
43.	Acmcghana.org
44.	Banel.ru
45.	Bittorrentz.net
46.	Catmo.ru
47.	Demonoid.ooo
48.	Desitorrents.com
49.	Etmirror.com
50.	Extra.unbanthe.com
51.	Extra.unbanthe.net
52.	Extra.unbanthe.org
53.	Extratorrent.btsoup.com
54.	Extratorrent.cc
55.	Extratorrent.im
56.	Extratorrent.tv
57.	Extratorrent.unblocked.io
58.	Extratorrent.unblockme.net
59.	Extratorrentlive.com
60.	Extratorrentonline.com
61.	Glods.to
62.	Isohunt.to
63.	Kat.cr

64.	Lime.unbanthe.com
65.	Lime.unbanthe.net
66.	Lime.unbanthe.org
67.	Limetor.co
68.	Limetor.com
69.	Limetor.net
70.	Limetor.ru
71.	Limetorrents.cc
72.	Limetorrents.info
73.	Picktorrent.com
74.	S2p.co
75.	Seed2peer.in
76.	Seed2peer.se
77.	Seed2peer.us
78.	Silvertorrent.me
79.	Silvertorrent.net
80.	Silvertorrent.org
81.	Torlock.com
82.	Torrage.biz
83.	Torrentbasket.com
84.	Torrentdownload.co
85.	Torrentdownload.me
86.	Torrentdownload.ws
87.	Torrentdownloads.cc
88.	Torrentdownloads.me
89.	Torrentdownloads.unblock.al
90.	Torrentdownloads.unblock.la
91.	Torrented.ch
92.	Torrentfunk.com
93.	Torrentfunk.kickassproxy.eu
94.	Torrentfunk.proxyboxy.com
95.	Torrentfunk.unlocktor.eu
96.	Torrenthound.com
97.	Torrenthound.ru
98.	Torrenthound.se
99.	Torrenthound.to
100.	Torrenthound.unblocked.la

101.	Torrenthound.unblockme.net
102.	Torrentmonkeys.com
103.	Torrents.net
104.	Torrentsdownload.org
105.	Yourbittorrent.com

Compliance under Order XXXIX, Rule 3 of the CPC be done by the plaintiffs in a week.

*Dasti* under signatures of the Court Master.

OCTOBER 30, 2015/tp

*True Copy*

*Hooliq Swati*  
*30/10/2015*

**Court Master  
High Court of Delhi  
New Delhi**

*sd.*  
NAJMI WAZIRI, J